

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

2008 JUL -7 11:14

UNITED STATES OF AMERICA,

Plaintiff,

v.

Daniel HERNANDEZ-Jimenez,

Defendant

Magistrate Docket No.

'08 MJ 2052

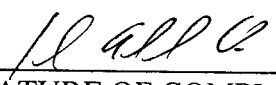
COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

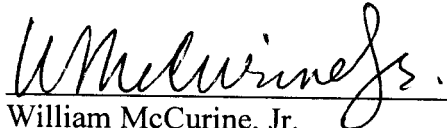
The undersigned complainant, being duly sworn, states:

On or about **July 2, 2008** within the Southern District of California, defendant, **Daniel HERNANDEZ-Jimenez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
Ismael A. Canto
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 7th DAY OF JULY 2008.


William McCurine, Jr.
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:

Daniel HERNANDEZ-Jimenez**PROBABLE CAUSE STATEMENT**

On July 2, 2008 at approximately 4:10 P.M., Border Patrol Agent Anderson was performing line watch duties in Tecate, California. Agent Anderson was informed of a citizen's report of four possible illegal individuals on Harris Ranch Road. This area is approximately five miles east of Tecate, California and four miles north of the United States/Mexico International Border. Agent Anderson responded to the area in order to question the individuals. After a brief search, Agent Anderson encountered the four individuals, one later identified as the defendant **Daniel HERNANDEZ-Jimenez**, attempting to walk away from Agent Anderson's marked service vehicle. Agent Anderson identified herself as a United States Border Patrol Agent and questioned all four individuals as to their citizenship and nationality.

All four individuals including the defendant admitted that they were citizens and nationals of Mexico; moreover, they admitted they had no immigration documents to enter or remain in the United States legally. The defendant and the three other individuals were placed under arrest and transported to the Tecate Processing Center for further processing. At the Tecate Processing Center, the defendant's biometrical information was entered into the Department of Homeland Security processing system. Immigration records revealed that the defendant had an extensive immigration record and an alert identifying him as a known foot guide.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on August 30, 2006 through San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was informed of his Miranda Rights in the Spanish Language. The defendant stated that he understood his rights and that he would answer questions without a lawyer present.

DEFENDANT STATEMENT: Daniel HERNANDEZ-Jimenez

On July 2, 2008, at approximately 9:20 p.m. during a videotaped sworn statement, Supervisory Border Patrol Agent Flores advised the defendant **Daniel HERNANDEZ-Jimenez** in the Spanish Language that his Administrative Rights were being revoked because he is being charged criminally. The defendant was informed of his Miranda Rights in the Spanish Language. The defendant stated that he understood his rights and that he would answer questions without a lawyer present.

The defendant stated that he is a citizen of Mexico. The defendant admitted to illegally crossing into the United States approximately three or four days ago. The defendant admitted that he has no legal documents allowing him to be or remain in the United States legally. The defendant further stated that he has been formally removed from the United States. The defendant declared that he knew and was fully aware that by illegally re-entering the United States he was in violation of United States immigration and criminal laws. He denied being a guide and said that he had been accused of being a guide during his prior deportation.

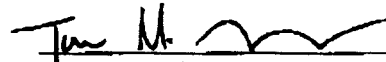
Case 3:08-mj-02052-WMC

Document 1

Filed 07/07/2008

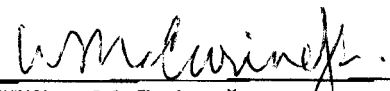
Page 3 of 3

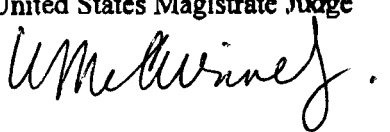
**CONTINUATION OF COMPLAINT:
Daniel HERNANDEZ-Jimenez****Executed on July 6, 2008 at 08:50 a.m.**

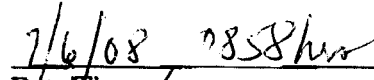


Thomas M. Jimenez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 2 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **July 2, 2008**, in violation of Title 8, United States Code, Section 1326.



William McCurine, Jr.
United States Magistrate Judge




Date/Time